Remarks

Applicant has received the Office Action dated April 16, 2008, in which the Examiner: 1) rejected claims 1-4 7-9, 12-16, 19-22, and 24-25 under 35 U.S.C. §103(a) as allegedly obvious under IEEE 802.11 (IEEE 802.11 standard 1999 ed., "IEEE"), and further in view of Shu (U.S. Patent No. 7,171,493 "Shu") and Jakubowski (U.S. Patent No. 6,128,737 "Jakubowski"); and 2) rejected claims 5-6, 10-11, 17-18, 23, and 26 as obvious under IEEE 802.11, and further in view of Shu, Jakubowski, and Jiang (U.S. Patent No. 6,676,885 "Jiang"). Based on the remarks herein, Applicant respectfully submits that all pending claims are in condition for allowance.

Claims 1–6 and 19–23

Independent claim 1 recites, in part, "suppressing a sequence number." Claim 19 recites a similar limitation. However, the cited references fail to teach or suggest the quoted limitation. Examiner cites IEEE at page 63 as allegedly teaching the quoted limitation. At the cited location, at the fifth paragraph, IEEE teaches "The WEP algorithm is applied to the frame body of an MPDU." However, applying the WEP algorithm to the frame body of an MPDU does not teach or suggest suppressing a SN input to a MIC algorithm. On page 40 of IEEE, section 7.1.3.5, the frame body is defined as comprising the MSDU. On page 40 of IEEE, section 7.1.3.4.1, each fragment of the MSDU is defined as comprising the SN, and the first SN is set to zero in the first MSDU, at which point the SNs begin to increment by one for each subsequent MSDU. Applicant cannot find a teaching or suggestion of suppression of the SN. Furthermore, no other art of record teaches or suggests the quoted limitation. For at least this reason, independent claims 1 and 19, along with dependent claims 2–6 and 20–23 are allowable over IEEE in view of Shu and in further view of Jakubowski.

Additionally, claim 1 recites, in part, "a message integrity code algorithm." Claim 19 recites a similar limitation. However, the cited references fail to teach or suggest the quoted limitation. Examiner cites IEEE at page 63 as allegedly teaching the quoted limitation. At the cited location, at the fifth paragraph, IEEE teaches "The WEP algorithm is applied to the frame body of an MPDU," and Examiner argues that a MIC algorithm is

inherent in the WEP algorithm. However, Examiner has not established a prima facie case of inherency by making clear that 1) the missing descriptive matter is necessarily present in the thing described in the reference and 2) that it would be so recognized by persons of ordinary skill as described in MPEP § 2112(IV). Applicant respectfully requests Examiner to establish a prima facie case of inherency or withdraw the rejection. Furthermore, no other art of record teaches or suggests the quoted limitation. For at least this additional reason, independent claims 1 and 19, along with dependent claims 2–6 and 20–23 are allowable over IEEE in view of Shu and in further view of Jakubowski.

Claims 7–11

Independent claim 7 recites "a method of generating a message integrity code for a data unit comprising using the fragment number, but not the sequence control number as an input to a message integrity code algorithm." However, the cited references fail to teach or suggest the quoted limitation. Examiner cites IEEE at page 63 as allegedly teaching the quoted limitation. At the cited location, at the fifth paragraph, IEEE teaches "The WEP algorithm is applied to the frame body of an MPDU." However, applying the WEP algorithm to the frame body of an MPDU does not teach or suggest not using the sequence control number as an input to a MIC algorithm. On page 40 of IEEE, section 7.1.3.5, the frame body is defined as comprising the MSDU. On page 40 of IEEE, section 7.1.3.4.1, each fragment of the MSDU is defined as comprising the SN. On page 40 of IEEE, section 7.1.3.4, the SN is defined to make up the sequence control. Applicant cannot find a teaching or suggestion of **not** using the sequence control number as required by the claims. Furthermore, no other art of record teaches or suggests the quoted limitation. For at least this reason, independent claim 7, along with dependent claims 8–11 are allowable over IEEE in view of Shu and in further view of Jakubowski.

Additionally, independent claim 7 recites, in part, "a message integrity code algorithm." Examiner uses the same argument of inherency as argued in claim 1, therefore the same request to establish a prima facie case applies. For at least this additional reason, independent claim 7, along with dependent claims 8–11 are allowable over IEEE in view of Shu and in further view of Jakubowski.

Claims 12–18 and 24–26

Independent claim 12 recites, in part, "calculating a transmitted message integrity code based in part on the fragment number." Independent claim 24 recites a similar limitation. However, the cited references fail to teach or suggest the quoted limitation. Examiner cites Jakubowski at the abstract in combination with Shu at col.9 *l*.47–52 as allegedly teaching the quoted limitation. However, at the abstract Jakubowski teaches "generating, in response to an incoming plaintext message, an intermediate stream . . . wherein a predefined portion of the stream defines a Message Authentication Code." However, generating a MAC in response to the message does not teach or suggest calculating a MIC based on the fragment number, even if, arguendo, the fragment number is equivalent to private header taught by Shu. Furthermore, no other art of record teaches or suggests the quoted limitation. For at least this reason, independent claims 12 and 24, along with dependent claims 13–18 and 25–26, are allowable over IEEE in view of Shu and in further view of Jakubowski.

Conclusion

Applicant respectfully requests reconsideration and that a timely Notice of Allowance be issued in this case. In the event that an extension of time is necessary to allow for consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Texas Instruments Incorporated's Deposit Account No. 20-0668 for such fees.

Respectfully submitted,

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